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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

PERITAS BRANDS, LLC,

Plaintiff,

v.

LEAPHIGH ANIMALS, LLC,

Defendant.

Case No.: 2:23-cv-00483-GMN-DJA

**STIPULATION TO EXTEND TIME TO
FILE CLAIM CONSTRUCTION BRIEFS**

(Second Request)

Plaintiff, PERITAS BRANDS, LLC (“Plaintiff” or “Peritas”), and Defendant, LEAPHIGH ANIMALS, LLC, (“Defendant” or “Leaphigh”) by and through their respective counsel hereby stipulate and agree to an order extending the deadlines for the Parties to file their respective patent claim construction briefs from the dates set forth in the previous extension (ECF 74) by extending Leaphigh’s responsive claim construction brief from January 24, 2024, to February 21, 2024, and Peritas’ reply to the same from February 14, 2024, to February 28, 2024. This is the second request to extend such briefings.

As represented in the parties’ prior stipulation to extend these deadlines (ECF 69), on January 18, 2024, the parties met to assess whether they could agree on Leaphigh’s request to extend the March 6, 2024, Markman Hearing (ECF 57) on the patent claims for which these briefings are required, pending the Court’s February 27, 2024, hearing (ECF 68) on Leaphigh’s

1 Motion to Stay Discovery (ECF 62). While unable to reach agreement to request an extension of
 2 the Markman Hearing, the parties did commence settlement discussions in light of Leaphigh's
 3 Covenant Not to Sue regarding the patents at issue in this matter (ECF 55, Exh. 1). To that end,
 4 the parties stipulated to these requested extensions to provide the time necessary to further
 5 settlement discussions to resolve or narrow the patent claims at issue and for which these claim
 6 construction briefings are required.¹ As such, this request is made in good faith and for good
 7 cause and not for any purpose of delay or harm.

8 NOW THEREFORE, the Parties hereby stipulate to the entry of an order extending the
 9 deadlines for the Parties to file their respective patent claim construction briefs as set forth in the
 10 prior extension (ECF 74) by extending Leaphigh's responsive claim construction brief from
 11 January 24, 2024, to February 21, 2024, and Peritas' reply to the same from February 14, 2024,
 12 to February 28, 2024.

13 DATED: January 18, 2024

14 /s/ Robert J. Cassity

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Attorneys for Defendant Leaphigh Animals, LLC

IT IS SO ORDERED



Daniel J. Albregts

U.S. MAGISTRATE JUDGE

Dated: _____ January 22, 2024

¹ The parties also agreed to move the deadline for Leaphigh to respond to discovery to after the Court's February 27, 2024, hearing (ECF 68) on Leaphigh's Motion to Stay Discovery (ECF 62).